THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15763 of 2006

14.8.2006

Between:

Tribal Labour Contract Cooperative Society, represented by its President, V.RaviNaik, S/o.Hemla and another

… Petitioners

AND

The A.P.Power General Corporation Ltd., Vidyuth Soudha, Hyderabad And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15763 of 2006

ORDER:

Two labour contract cooperative societies registered with A.P. Power General Corporation Limited, the first respondent herein, filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in insisting upon the furnishing of Employer's Provident Fund (EPF) Registration Certificate for the purpose of issuing tender schedules as illegal, arbitrary and being violative of Articles 14 and 19(1)(g) of Constitution of India, and consequently direct the respondents not to insist upon EPF Registration Certificate from the petitioners.

It is the grievance of the petitioners that as and when the respondents are inviting the tenders from qualified labour contractors, a condition is being imposed to the effect that the application for tender schedules should be furnished along with EPF Registration Certificate. The petitioners' case is that Employees Provident Fund and Miscellaneous Provisions Act, 1952 (EPF Act, for brevity) has no application to the petitioners and, therefore, the condition to furnish EPF Registration Certificate is arbitrary and illegal.

Learned Counsel for the petitioners submits that EPF Act has no application if the number of employees in an establishment is less than twenty (20), as per subsection (3) of Section 1 of EPF Act. He

further submits that the Government has issued a notification exempting cooperative societies from the provisions of EPF Act and EPF Scheme and, therefore, the respondents cannot insist for production of EPF Registration Certificate.

A Xerox copy of list of fifteen (15) persons is enclosed to the writ petition, presumably to show that one of the two societies has less than twenty members. For reasons more than one, the same is not acceptable, as this Court is not able to correlate the list of members shown in page 15 of material papers with any of the two societies. Secondly, no notification is placed before this Court whereunder labour contract cooperative societies are exempted from the purview of EPF Act in respect of number of persons on the rolls. Therefore, the petitioners have not clearly shown any cause of action based on which they filed the present writ petition. General and vague allegations made, based on which, the writ petition cannot be entertained.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

August 14, 2006.

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